

- Group III: Claims 1, 5 to 8, 12, 18, and 19, drawn to a method of treating a bone disease by administering a soluble leptin receptor, classified in class 514, subclass 2.
- Group IV: Claims 1, 5 to 8, 12, 18, and 19, drawn to a method of treating a bone disease by administering an inter-alpha-trypsin inhibitor heavy chain, classified in class 514, subclass 2.
- Group V: Claims 1, 5 to 8, 12, 18, and 19, drawn to a method of treating a bone disease by administering an alpha 2-macroglobulin protein, classified in class 514, subclass 2.
- Group VI: Claims 13 to 15 and 17 to 19, drawn to a method of treating a bone disease by administering an acetylphenol, classified in class 514, subclass 1.
- Group VII: Claims 13, 14, 16, 17, 18, and 19, drawn to a method of treating a bone disease by administering a polynucleotide that lowers leptin levels, classified in class 514, subclass 2.
- Group VIII: Claims 20 to 24, drawn to a method of preventing a bone disease by administering a polynucleotide that lowers leptin levels, classified in class 514, subclass 44.
- Group IX: Claims 20, 24 to 32, 35, and 36, drawn to a method of preventing a bone disease by administering an antibody that binds leptin, classified in class 514, subclass 44.
- Group X: Claims 20, 24 to 27, 31, 32, 35, and 36, drawn to a method of preventing a bone disease by administering a soluble leptin receptor, classified in class 514, subclass 2.
- Group XI: Claims 20, 24 to 27, 31, 32, 35, and 36, drawn to a method of preventing a bone disease by administering an inter-alpha-trypsin inhibitor heavy chain, classified in class 514, subclass 2.
- Group XII: Claims 20, 24 to 27, 31, 32, 35, and 36, drawn to a method of preventing a bone disease by administering an alpha 2-macroglobulin protein, classified in class 514, subclass 2.

- Group XIII: Claims 32 to 34 and 36, drawn to a method of preventing a bone disease by administering an acetylphenol, classified in class 514, subclass 1.
- Group XIV: Claims 37 to 39, drawn to a method of diagnosing a bone disease in a mammal by measuring the level of leptin in blood serum, classified in class 435, subclass 7.1.
- Group XV: Claims 40 to 42, drawn to a method of diagnosing a bone disease in a mammal by measuring the level of leptin in cerebrospinal fluid, classified in class 435, subclass 7.1.
- Group XVI: Claims 43 to 60, drawn to a method of identifying a compound that modulates bone mass in a mammal, classified in class 435, subclass 7.1.

The Examiner contends that the inventions of Groups I to XVI are distinct.

In order to be fully responsive, Applicant hereby provisionally elects the invention of Group XVI, claims 43 to 60, drawn to a method of identifying a compound that modulates bone mass in a mammal, classified in class 435, subclass 7.1, with traverse.

With respect to the division of the application into sixteen groups of claims, Applicant respectfully traverses the restriction requirement. Applicant submits that to search and examine the claims of Groups I to XVI together would not be a serious burden. The M.P.E.P. § 803 (Eighth Edition, August 2001) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Thus, in view of M.P.E.P. § 803, claims 1 to 60 should all be searched and examined in the subject application.

Accordingly, Applicant respectfully requests that the Restriction Requirement under 35 U.S.C. § 121 be withdrawn and all the present claims be examined in one application.

Alternatively, Applicant respectfully requests that the restriction requirement be revised to place Groups I, II, III, IV, V, VI, and VII, together, directed to methods of

treating a bone disease, to place Groups VIII, IX, X, XI, XII, and XIII together, directed to methods of preventing a bone disease, and to place Groups XIV and XV together, directed to methods of diagnosing a bone disease.

Applicant retains the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Should the species restriction be maintained, Applicant, upon the allowance of a generic claim, will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim pursuant to 37 C.F.R. § 1.141.

CONCLUSION

Applicant respectfully requests that the present remarks be entered and made of record in the instant application. An early allowance of the application is earnestly requested. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Respectfully submitted,

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